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### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

THE APPLICATION OF:

TEPHEN M. ALLEN ET AL.

CASE NO.: BB1171 USDIV

SERIAL NO.: 09/854,731

**GROUP ART UNIT: 1652** 

ED: MAY 14, 2001

Rev. 6/99

EXAMINER: MARYAM MONSHIPOURI

FOR: PLANT PROTEIN KINASES

#### **PETITION UNDER 37 CFR 1.181** TO WITHDRAW THE HOLDING OF ABANDONMENT FOR FAILURE TO RECEIVE ISSUE FEE

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Applicants hereby petition under 37 CFR 1.181 to withdraw the holding of abandonment set forth in the Notice of Abandonment mailed on July 17, 2003.

A Notice of Allowance for the above-identified application was mailed by the USPTO on January 31, 2003.

Within three months of this date, on April 24, 2003, a Request for Continued Examination and a Correction of Inventorship under 1.48(a) was submitted by facsimile to the USPTO by our agents at the time, Connolly, Bove, Lodge & Hutz, L.L.P. A total of ten (10) pages, described below, were submitted. A facsimile autoreply from the USPTO, confirming receipt of the facsimile, was received by Connolly, Bove, Lodge & Hutz.

Attached hereto is a statement by Kathleen Lytle of Connolly, Bove, Lodge & Hutz, certifying that she did indeed send ten (10) pages by facsimile to the USPTO on April 24, 2003.



RECEVED 18700

#### Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

on December 2,2003

SUSAN L DURKEE

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

09/854,731
BB1171 USDIV
PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE HOLDING
OF ABANDONMENT FOR FAILURE TO RECEIVE ISSUE FEE
ATTACHMENTS TO PETITION (13 PAGES)
RETURN RECEIPT POSTCARD

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Docket No.: BB1171USDIV (7560-43) (PATENT)

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Stephen M. Allen

Conf. No.: 1564

S Application No.: 09/854,731

May 15, 2001

Group Art Unit: 1652

For: PLANT PROTEIN KINASES

Examiner: Maryam Monshipouri, Ph.D

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

#### STATEMENT OF FACSIMILE TRANSMISSION

Sir:

I hereby certify that I personally sent ten (10) pages, copies of which are attached, which are identified on the attached "Certificate of Transmission Under 37 CFR 1.8" related to the above-identified application, by facsimile transmission to the United States Patent and Trademark Office, Fax. No. (703) 872-9307 on April 24, 2003. A copy of the Auto-Reply Facsimile Transmission page and the Transaction Report also is attached.

Respectfully submitted,

Kathleen Lytle

297911

X TRANSMISSION

April 24, 2003

PTO IDENTIFIER:

Application Number

09/854731

**Patent Number** 

Stephen M. Allen, et al

**MESSAGE TO:** 

US Patent and Trademark Office

**FAX NUMBER:** 

(703) <del>308 1242</del> 872 - 9307

FROM:

CONNOLLY BOVE LODGE & HUTZ LLP

Mark E. Freeman

PHONE:

(302) 658-9141

Attorney Dkt. #:

BB1171 USDIV (7560-43)

PAGES (including Cover Sheet):

CONTENTS:

Dear Examiner Monshipouri:

Attached is an RCE for the above referenced application. Please direct any questions to Mark Freeman. My direct phone at (302) 888-6209 ank you.

If your receipt of this transmission is in error, please notify this firm immediately by collect call to (302) 658,9141 and send the original transmission to us by return mail at the address below.

**CONNOLLY BOVE LODGE & HUTZ LLP** P. O. Box 2207, Wilmington, Delaware 19899-2207 Telephone: (302) 658-9141 Facsimile: (302) 658-5614

DEC 0 1 2003 UP

PTO/SB/97 (12-97)
Approved for use through 9/30/00. OMB 0661-0031
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Certificate of Transmission Under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on <u>April 24, 2003</u>
Date

Kathleen Lytle

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Request for Continued Examination (1 page);

Fee Transmittal (1 page);

Request to Correct Inventorship under 1.48(a) (2 pages);

Copy of Combined Declaration and Power of Attorney (2 pages);

Statement from added inventor under 1.48(a)(2) (1 page):

Consent of Assignee to Correct Inventorship (1 page); and

Charge \$750.00 to deposit account 03-2775.

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U.S. Petent AND Trademark OFFICE; U.S. DEPARTMENT OF COMMERCE
U.S. Petent DEC 0 4 2003 apenwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control out the REPORTE TRADE 09/854731 REQUEST Application Number **FOR** May 14, 2001 Filing Date CONTINUED EXAMINATION (RCE) First Named Inventor Stephen M. Allen TRANSMITTAL 1652 Group Art Unit Address to: M. Monshipouri Examiner Name Commissioner for Patents Box RCE BB1171USDIV (7560-43) Attorney Docket No. Washington, DC 20231 This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Exemination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2. 1. Submission required under 37 CFR 1.114 a. X Previously submitted Consider the amendment(s)/raply under 37 CFR 1.116 previously filed on April 10, 2003 i. (Any unontered amendment(a) referred to above will be ordered). Consider the arguments in the Appeal Brief or Reply Brief previously filed on 11. ill. Other b. x **Enclosed** Amendment/Reply i. Affidevit(s)/Declaration(s) iī. Information Disclosure Statement (IDS) Request to Correct Inventorship Under 1.48(a) x Other 2. Miscelleneous Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of MONTHS. (Ported of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(I) required) Other b. The RCE fee under 37 CFR 1.17 (a) is required by 37 CFR 1.114 when this RCE is filed. 3. Fees The Director is hereby authorized to charge the following fees, or credit any overpayments, to a. x Deposit Account No. 03-2775 x RCE fee required under 37 CFR 1.17(e) 1. 11. Extension of time fee (37 CFR 1,138 and 1.17) ili. 1808 Processing Fee for Request for Correction of Inventorship, \$130 Check in the amount of \$ enciosed b. Payment by credit card (Form PTO-2038 andocod) SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED 48,143 Registration No. (Attorney/Agent) Name (Print/Type) April 24, 2003 Doto Signatura

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Docket No.: BB1171USDIV (7560-43)

(PATENT)

UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re Patent Application of:

Conf. No.: 1564

**DEC** 0 8 2003

TECH CENTER 1600/2900

Stephen M. Allen

Application No.: 09/854,731

Filed: May 15, 2001

Group Art Unit: 1652

For: PLANT PROTEIN KINASES

Examiner: Maryam Monshipouri, Ph.D

### REQUEST FOR CORRECTION OF INVENTORSHIP PURSUANT TO 37 CFR §1.48(a)

**BOX RCE** 

Commissioner for Patents Washington, D.C. 20231

Sir:

The undersigned hereby requests correction of inventorship in this non-provisional application under the provisions of 37 C.F.R. §1.48(a).

The following items of information and attachments are submitted in support of this Request:

- (1) The inventorship correction required is to add Jian-Ming Lee, 13 Pine Tree Place, West Caldwell, NJ 07006, a citizen of the The People's Republic of China;
- (2) A Statement from Mr. Lee that the error in inventorship occurred without deceptive intention on his part is enclosed herewith;
- (3) A combined Declaration and Power of Attorney by the actual inventors as required by C.F.R. §1.63 is enclosed herewith;
- (4) A Statement by the assignee of the originally-named inventors providing consent to the change in inventorship. The assignment was recorded in the USPTO on January 30, 2002 at Reel 012561, Frame 0155; and
- (5) The processing fee of \$130 set forth in 37 C.F.R. §1.17(i), provided via deposit account authorization.

Attorney Docket No.: 7560\*10 (BB1176USDIV)

Appl. Ser. No. 09/882,691

Favorable action on this Request is requested.

If the Examiner believes that a telephone or personal interview would serve to expedite processing of this Request or any other matter bearing on allowance of this application, the undersigned attorney is available at the telephone number indicated.

If additional fees are necessary with this communication, the Director is hereby authorized to charge any fees, or credit any overpayment, associated with this Request, including any extension fees, to CBLH Deposit Account No. 03-2775.

Respectfully submitted,

Mark E. Freeman Reg. No. 48,143

CONNOLLY BOVE LODGE & HUTZ, LLP

P.O. Box 2207

Wilmington DE 19899-2207

Tel.: 302-888-6209 Fax: 302-658-5614 Attorneys for Applicant

Encl: Statement of No Deceptive Intent from Additional Inventor

Combined Declaration and Power of Attorney by the actual inventors

Statement by the assignee of the originally-named inventors providing consent.

Fee Transmittal for the processing fee of \$130

261633

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Afterney Dogwt No. COMBINED DECLARATION AND POWER OF ATTORNEY 7550°43 (BB1171USDIV) . As a bolow named inventor, I hereby declare that: My residence, post office eddress and officenship are as stated below next to may name, Opelieve I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the inventor entitled Plant Protein Kinases the specification of which C MADE ARE (check one) p is attached hereto. 28 May 14, 2001 was fied on \_ 09/854,731 Application Serial No. \_\_

RECEIVED was amended on \_\_\_ **DEC 0** 8 2003 Of expectable) rigueridi bebnerna save TECH CENTER 1600/2909 (if applicable)

> I hareby state that I have reviewed and understand the contents of the above identified specification, including the cidims, se amended by any amandment referred to abuve.

> i acknowledge the duty to disclose to the Office all information known to me to be material to petentability as defined in Title 37. Code of Pederal Regulations, 61.55.

> I hereby claim foreign priority benefits under 35 U.S.C. \$119(a)-(d) or 385(b) of any foreign application(a) for patent or Inventor's cartificate, or 6385(a) of any PCT international application which designated at least one country other than the Linked States, flated below and have also identified below, by checking the box, any foreign application for potent or inventor's certificate, or PCT international application having a filing data before that of the application on which priority is dalmed:

Prior Foreign Application(s)			Primity Clair				D.E.	
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I hareby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and. insofar so the subject matter of each of the cistons of this application is not disclosed in the prior United States approach In the manner provided by the first paragraph of Title 35, United Statue Code, 8 112, I acknowledge the duty to disclose to the Office of Information known to me to be material to patentability as defined in Title 27, Cude of Federal Regulations, § 1.58 which became evaluate between the filling date of the prior application and the national or PCT international filing date of this application

09/247.805	ANY 2_1999	Granted (0.202.345)
(Application Davist No.)	(Filing Date)	(Eitaltes) judanjad. proting, phonoment

I hereby claim the benefit under 35 U.S.C. 5118(e) of any United States provisional application(a) listed below.

60/D92.430 July 10, 1998

I hereby declare that all electroness made herein of my own knowledge ere true and that all statements made on terif egbelwork eth fillw obern enew enremeteta esert terif terif bins ;ount od or bevelled one heljed bins noticimidini willful false statements and the files so made are punishable by fine or impresonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful fetne eletements may jeopardize the validity of the application or any potent feated thereon.

VEN'TY SANT TETAR RANTONS

POWER OF ATTORNEY: As a named inventor, I havely expected to seleving plannays; and/or egaptical secondard with the Custopper Murpher provided below to property this application and to purpose of pushess in the Palant and Tradentials College contracted thereights:

In the matter of the decre-identified application, phases recognize the electricity factorists with CVSTORER STURISER 2007 is all of CO30001.LY BOVE LODGE & PLATE LLP, as discussys with the property and production and sometimes and sometimes in the Points and Type comparison continued the popular.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 0 8 2003

In the Application of:

STEPHEN M. ALLEN ET AL.

APPLICATION NO.; 09/854,731

FILED: MAY 14, 2001

FOR: PLANT PROTEIN KINASES

TECH CENTER 1609/2900

CASE NO.: BB1171USDIV(7560\*43)

GROUP ART UNIT: 1652

EXAMINER: M. MONSHIPOUR!

CONFIRMATION NO.: 1564

### STATEMENT UNDER 37 C.F.R. \$1.48(8)(2)

Assistant Commissioner for Patents Washington, DC 20231

Sir:

The error in inventorship in the above-identified application occurred without deceptive intention on my part.

Respectfully submitted.

Date: 4/22/03

Jian-Ming Lee

## PATERECEIVED

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 0 8 5003

In the Application of:

TECH CENTER 1600/2906

STEPHEN M. ALLEN ET AL.

CASE NO.: BB1171USDIV(7560\*43)

APPLICATION NO.: 09/854,731

**GROUP ART UNIT: 1652** 

FILED: MAY 14, 2001

EXAMINER: M. MONSHIPOURI

FOR: PLANT PROTEIN KINASES

**CONFIRMATION NO.: 1564** 

## CONSENT OF ASSIGNEE TO CORRECTION OF INVENTORSHIP UNDER 37 C.F.R. 1,48(a)(5)

Assistant Commissioner for Patents Washington, DC 20231

Sir:

The assignee of the above-named application, E. I. du Pont de Nemours & Company, hereby consents to the correction of inventorship being filed herewith.

Respectfully submitted,

Barbara J. M

Date: 423 2003

Name: Barbara J. Massie Title: Assistant Secretary,

Patent Board

#6871 P.002/004

**64/24/83 19:11:27** 

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TO: Auto-reply fax to 3026585614 COMPANY:

### RECEIVED

# Auto-Reply Facsimile Transmission

**DEC 0** 8 2003

**TECH CENTER 1600/2900** 



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Fax Information

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